

REMARKS/ARGUMENTS

Reconsideration of the application is respectfully requested for the following reasons:

Rejection of Claims 1, 3 and 5 Under 35 U.S.C. §102(b)

Claims 1, 3 and 5 are rejected under 35 U.S.C. §102(b) as being anticipated by Wakagi et al. (US 5,995,187).

Applicant respectfully traverses this rejection.

This rejection is respectfully traversed on the basis that Wakagi et al. fail to disclose every element of the claimed invention. Particularly, Wakagi et al. do not teach two conductive layers beside the conductive layer used as source and drain electrodes. Wakagi et al. do not teach a first conductive layer on the second semiconductive layer, a second conductive layer on the first conductive layer, the second conductive layer is used as a source and a drain, the first conductive layer prevents the second conductive layer and the second semiconductive layer from diffusing into each other, and a third conductive layer on the second conductive layer, the third conductive layer is used as a glue layer and protects the second conductive layer from being over-etched.

In the detailed action, the examiner suggests that the claimed invention does not require the first conductive layer, the second conductive layer and the third conductive layer formed of different materials and thus three portions of the drain electrode 7 and the source electrode 8 can be treated as the first conductive

layer, the second conductive layer and the third conductive layer of the claimed invention. This suggestion is apparently an unreasonable interpretation both to the claimed invention and the teaching of Wakagi et al. because this suggestion or modification is inconsistent with the original teachings of the claimed invention and Wakagi et al. The features of the first conductive layer, the second conductive layer and the third conductive layer of the claimed invention are clearly recited in the specification as well as the claims and shown in the figures of the claimed invention. The examiner actually gives a **broadest, but *unreasonable*** interpretation to the claims inconsistent with the original teaching of the claimed invention that those skilled in the art would not reach. According MPEP §2111, Claim Interpretation; Broadest Reasonable Interpretation [R-1], CLAIMS MUST BE GIVEN THEIR BROADEST REASONABLE INTERPRETATION. During patent examination, the pending claims must be “given *>their< broadest reasonable interpretation consistent with the specification.” >*In re Hyatt*, 211 F.3d 1367, 1372, 54 USPQ2d 1664, 1667 (Fed. Cir. 2000). The broadest reasonable interpretation of the claims must also be consistent with the interpretation that those skilled in the art would reach. *In re Cortright*, 165 F.3d 1353, 1359, 49 USPQ2d 1464, 1468 (Fed. Cir. 1999) (The Board’s construction of the claim limitation “restore hair growth” as requiring the hair to be returned to its original state was held to be an ** >incorrect< interpretation of the limitation. The court held that, consistent with applicant’s disclosure and the disclosure of three patents from analogous arts using the same phrase to require only some increase in hair growth, one of ordinary skill would construe “restore hair growth” to mean that the claimed method increases the amount of hair grown on the scalp, but does not necessarily produce a full head of hair.).

Rejection of Claims 2 and 4 Under 35 U.S.C. §103(a)

Claim 2 is rejected under 35 U.S.C. §103(a) as being unpatentable over Wakagi et al. in view of Harano et al., while Claim 4 is rejected under 35 U.S.C. §103(a) as being unpatentable over Wakagi et al. in view of Hayama et al.

Applicant respectfully traverses this rejection.

This rejection is respectfully traversed on the basis that the combination of Wakagi et al. and Harano et al. fails to teach all elements of the claimed invention. The combination of Wakagi et al. and Harano et al. is insufficient to render the claimed invention unpatentable. Particularly, the combination of Wakagi et al. and Harano et al. fails to teach a first conductive layer on the second semiconductive layer, a second conductive layer on the first conductive layer, the second conductive layer is used as a source and a drain, the first conductive layer prevents the second conductive layer and the second semiconductive layer from diffusing into each other, and a third conductive layer on the second conductive layer, the third conductive layer is used as a glue layer and protects the second conductive layer from being over-etched. According to MPEP 2143.03, since claim 1 is nonobvious under 35 U.S.C. 103, then claims 2 and 4 depending therefrom are nonobvious. *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988). Therefore, the combination of Harano et al. and Yaegashi et al. is insufficient to render the claimed invention unpatentable.

Conclusion

In light of the above remarks to the claims, Applicant contends that claimed invention is patentable thereover. All claims are in condition for favorable consideration and allowance of these claims are most respectfully requested.

This Amendment was prepared by Applicant, and is being submitted without substantive change by the undersigned Attorney.

Respectfully submitted,
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